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The City of Covington is a destination community where citizens, businesses and civic leaders collaborate to preserve and foster a strong sense of unity.

PLANNING COMMISSION AGENDA
May 19, 2016
6:30 PM

CALL TO ORDER

ROLL CALL
Chair Bill Judd, Vice Chair Paul Max, Jennifer Gilbert-Smith, Alex White, Jim Langehough, Krista Bates & Chele Dimmett.

PLEDGE OF ALLEGIANCE

APPROVAL OF CONSENT AGENDA

1. Minutes from May 5, 2016

CITIZEN COMMENTS - *Note: The Citizen Comment period is to provide the opportunity for members of the audience to address the Commission on items either not on the agenda or not listed as a Public Hearing. The Chair will open this portion of the meeting and ask for a show of hands of those persons wishing to address the Commission. When recognized, please approach the podium, give your name and city of residence, and state the matter of your interest. If your interest is an Agenda Item, the Chair may suggest that your comments wait until that time. Citizen comments will be limited to four minutes for Citizen Comments and four minutes for Unfinished Business. If you require more than the allotted time, your item will be placed on the next agenda. If you anticipate, in advance, your comments taking longer than the allotted time, you are encouraged to contact the Planning Department ten days in advance of the meeting so that your item may be placed on the next available agenda.*

UNFINISHED BUSINESS – None

PUBLIC HEARING – None

NEW BUSINESS – No Action Required

2. Discussion of Sign Code Revisions for Temporary Signs

ATTENDANCE VOTE

PUBLIC COMMENT: (Same rules apply as stated in the 1st CITIZEN COMMENTS)

COMMENTS AND COMMUNICATIONS OF COMMISSIONERS AND STAFF

ADJOURN

Any person requiring a disability accommodation should contact the City at least 24 hours in advance.
For TDD relay service please use the state's toll-free relay service (800) 833-6384 and ask the operator to dial (253) 480-2400
Web Page: www.covingtonwa.gov

CITY OF COVINGTON
Planning Commission Minutes

May 5, 2016 **City Hall Council Chambers**

CALL TO ORDER
Chair Judd called the regular meeting of the Planning Commission to order at 6:35 p.m.

MEMBERS PRESENT
Chele Dimmett, Jennifer Gilbert-Smith, Bill Judd, Jim Langehough Paul Max, Krista Bates and Alex White

MEMBERS ABSENT - None

STAFF PRESENT
Brian Bykonen, Associate Planner and Code Enforcement Officer
Richard Hart, Community Development Director
Kelly Thompson, Planning Commission Secretary

APPROVAL OF MINUTES AND AGENDA

- **1. Vice Chair Max moved and Commissioner Dimmett seconded to approve the April 7, 2016 minutes, the April 21, 2016 minutes and agenda. Motion carried 7-0.**

Community Development Director, Richard Hart shared some ground rules regarding anyone providing testimony who wished to remain anonymous.

CITIZEN COMMENTS - None

UNFINISHED BUSINESS - None

PUBLIC HEARING

Mr. Hart shared a memo related to Covington Municipal Code (CMC) Title 18 on Proposed Permanent Marijuana Zoning Regulations and reviewed the attachments. A map was included in the packet indicating zoning type broken down by other local jurisdictions.

The City of Covington is proposing that production be limited to the Industrial (I) zone and retail uses be allowed in General Commercial (GC) and Mixed Commercial (MC) zones.

Based on the proposed regulations, an applicant could apply for a Conditional Use Permit (CUP) if they wanted to locate 500' from a public park, recreation center, public library, church or game arcade. A Public Hearing before the Hearing Examiner would be required. The current fee is approximately $10,500. A typical CUP is attached to a Commercial Site Development Application which would also require review of engineering and a building permit. However, for marijuana retail sales use, the staff time involved would be considerably less. If the Planning Commission chooses to recommend reducing the fee to the City Council, if approved, the Fee Resolution would be amended.

Vice Chair Max asked about Washington State Initiative 502. Mr. Hart explained that was the initiative that was passed by the voters that is driving this proposed code change. Mr. Hart explained that the applicant must indicate whether they are applying for medical marijuana, recreational marijuana or both. The map showing the zoning types for cities which have allowed marijuana sales have not indicated whether they are for medical or recreational sales. Mr. Hart also explained that the CUP does not follow the business, it is specific to the location. Mr. Hart also shared how the CUP process works.

Commissioner Dimmett asked whether once a marijuana store is established, if a use came in after the fact that required the buffer, what would happen. Mr. Hart indicated that answer is currently being researched. Staff will be working on an answer to report to the City Council.

2. Public Hearing on Proposed Permanent Marijuana Zoning Regulations

Chair Judd opened the Public Hearing.

Darci Ross -27708 SE 268th Street, Ravensdale, WA 98051 – When she voted for I-502, she voted in favor of the 1000' buffer from sensitive uses. There is another recreational sales store less than a mile away. She is concerned about the proximity of the medical marijuana retailer to the library.

Jeff Tillotson – 17866 South Angeline Ave NE, Suquamish, WA 98392 - He agrees that the medical marijuana retailer is too close to the library and would like the 1000' buffer to remain.

Brian Longmore - 25408 SE 216th, Maple Valley, WA 98038 - He asked why they are considering reducing the buffer and wondered whether this would invite more marijuana business into the city.

Colleen O'Rourke - PO Box 6023 Kent, WA 98064 – She is the owner of Covington Holistic Medicine. They have been in business for 6 years and have not had any problems or issues. They would like to remain in business.
She wanted a discreet location and even asked the high school to make sure that the track team did not run past the location to be mindful of children in the area.

Laurent Bentitou – 11421 NE 95th St, Kirkland, WA 98033 – The voters approved I-502 which included a 1000' buffer from sensitive areas because they did not want marijuana sales near children. Many people were able to find locations that met the 1000' sensitive area setback. He asked what rationale is there for reducing the standard. Are citizens safer by lowering the standard? He stated that if a CUP is approved, then citizens are stuck with the decision.

Ben Bentitou – 11301 SE 86th Place, Newcastle, WA 98056 He owns the recreational marijuana store off of Covington Way. He followed all of the rules and they value the location that they have. If the standards are there for a reason, they should apply everyone.

The Public Hearing was closed.

Question and Answers:

Commissioner White asked if a 500' buffer was passed under permanent zoning regulations, could it be changed later. Mr. Hart explained that if you adopt a buffer area, yes, the regulations could be changed in the future.

Commissioner Dimmett asked about medical vs. recreational marijuana.
Ms. O'Rourke's medical marijuana facility preceded I-502 and there were not buffers established at that time. Mr. Hart shared that they would be treated the same under the new regulations effective July 1, 2016.

Commissioner White asked if the citizen comments are by two competing businesses and Commissioner Gilbert-Smith asked if any of the testimony was received from residents of Covington. Mr. Hart responded no.

Commissioner Langehough asked what the rationale was for reducing the buffer. Mr. Hart shared that if you map the sensitive areas with a 1000' buffer, you limit the geographical area that the stores could be allowed. There are very few pieces of property available when you apply the 1000' buffer to all of the sensitive areas. When the original regulations came from the state, there was a limited number of licenses that would be issued. The city of Covington received zero licenses due to the population being under 20k. Due to "at-large" licenses that could be located within unincorporated King county or another small city, the city was able to approve the existing recreational marijuana license. The

state modified their regulations and they opened up new licenses. It is a free market system. Local government could also adopt a distance required between stores. Some cities have said they would rather have them located within the same geographical area. The more restrictions there are, the fewer allowed businesses.

The existing recreational marijuana store was opened under interim regulations which allowed the city time to develop permanent regulations. The City Council has the option to retain the 1000' buffer and they asked the Planning Commission to evaluate the options and make a recommendation.

Vice Chair Max asked about the potential increase in number of stores if the regulation were reduced to the 500' buffer from sensitive areas. Mr. Hart would not speculate. He pointed out the red area on the map showing the locations outside of the buffer. A private property owner can choose or not choose to lease to a marijuana business. Many of these businesses are currently occupied. The other issue is how many licenses the state will issue. We have had several inquiries over the past several years, but only a couple who actually applied for the state license that could find a location within the city.

- **Commissioner White moved and Commissioner Dimmett seconded to recommend that the City Council adopt the Proposed Covington Municipal Code Amendments and Additions for Permanent Marijuana Regulations.**

Commissioner White stated that if the sensitive buffer is reduced, it is unlikely that another shop would locate within the city limits. He is comfortable with the existing medical facility remaining. He does not see a lot of pedestrian activity in that area. The existing medical marijuana business has existed for several years without problems.

Commissioner Dimmett feels her purpose on the commission is to try and balance her wants with the needs of the community. There is a medical marijuana store that has been operating for several years that she was not aware even existed. The new state requirement may have unintended consequences. The existing medical marijuana facility will be affected and may be out of business for a period of time. In response to the argument that reducing the buffer will invite more marijuana facilities, she feels that there are several obstacles including location, capital, etc. that would limit the number of new marijuana facilities. The CUP process seems like a reasonable process for facilities located between 500' and 1000' from the listed sensitive uses.

Commissioner Gilbert-Smith agrees with allowing the CUP process for facilities between 500' and 1000' from sensitive uses because it will go through a public

hearing that will mitigate impacts. She had hoped to hear from more Covington residents at the Public Hearing.

Commissioner Langehough does not want to see the existing medical marijuana facility to be put out of business, but he does not see the need to reduce the buffer. He does not want to see us become a city known for pot shops, but does not think that will happen even with the 500' sensitive area buffer.

Commissioner Bates stated that the staff and the Planning Commission have all made valid points. If the Planning Commission recommends the proposed regulations to City Council, there are still several steps in the process that the existing medical marijuana facility would have to go through in order to remain in business.

Vice Chair Max was not aware of either of the existing marijuana businesses in Covington. He has a friend with diabetes that uses medical marijuana. His nephew who passed away at 31, also used medical marijuana. From the standpoint of making a recommendation, he still has a level of uncertainty with regard to the CUP process and will leave it to the rest of the Planning Commission.

Chair Judd shared that the Planning Commission is here to represent the community and to make recommendations based on the needs of the community. The recommendation strikes a responsible balance. He believes that the free market is important. The regulation of maintaining the 1000' buffer is so restrictive that it is likely that only one marijuana business could operate. He is comfortable and feels this is the most responsible balance. He appreciates the business owners that do things the right way.

Mr. Hart recapped the public testimony. No one who testified lives in Covington. Two people own businesses in Covington. With regard to public safety concerns, there has not been one police call in 6 years to either the medical marijuana or recreational marijuana store.

- **Motion carried 6-1 with Vice Chair Max dissenting.**

The Planning Commission's recommendation will go to City Council on June 14, 2016. It is not a Public Hearing, however, there will be two public comment periods. Interested parties may submit comments in writing a week prior to the meeting and they will be given to the City Council or public comment can also be given at the meeting.

NEW BUSINESS - None

ATTENDENCE VOTE - None

PUBLIC COMMENTS

Darci Ross - She was under the impression that the medical marijuana facility had applied for a medical marijuana dispensary license. Mr. Hart responded that applicants can apply for either. The regulations that are being proposed do not distinguish between medical or recreational marijuana.

Steven Childers - He lives just outside the city limits. He is a medical patient and stated that the medical marijuana facility runs a very tight ship. He was given instructions on how to re-attain his prescription. He shared that they recently moved out of the city and by having the medical facility nearby has made it much more convenient him. He is grateful to see how the process is moving forward.

Laurent Bentitou - He stated he does not have a financial interest in or own the recreational store. The state did not allot a store to the City of Covington as the state only allocated licenses to cities over 25k population. He is certain that if a 500' buffer is approved, there will be 3-4 more stores within the city limits.

Brian Longmore - He owns two rentals and has kids in Covington. He does not have an interest in either the recreational or medical marijuana store. The people that want to know, that need it, will find it. He thinks that 3 – 4 more stores is too much for a small town.

COMMENTS AND COMMUNICATIONS FROM STAFF

Mr. Hart thanked everyone in the audience for attending and encouraged them to provide written comments or attend the City Council meeting on June 14, 2016. He hopes that everyone feels they were heard.

The Planning Commission will be discussing new Sign Code Regulations at the regularly scheduled meeting on May 19, 2016.

ADJOURN

The May 5, 2016 Planning Commission Meeting adjourned at 8:27 p.m.

Respectfully submitted,

_____

Kelly Thompson, Planning Commission Secretary

SUBJECT: POLICY DISCUSSION REGARDING SIGN CODE AMENDMENTS

RECOMMENDED BY: Richard Hart, Community Development Director

ATTACHMENT(S): 1. Goals, Purpose, and Policy Objectives for Sign Code
2. Matrix of Specific Sign Standards by Land Use Type

PREPARED BY: Sara Springer, City Attorney
Richard Hart, Community Development Director
Brian Bykonen, Associate Planner/Code Enforcement Officer

EXPLANATION:

1. BACKGROUND

In 2013, the city council directed staff to study potential sign code amendments for temporary civic/non-profit banner signs for events. Staff spent the first part of 2014 examining the city's sign code, discussing with other city staff their needs as they related to temporary signs for city-sponsored events and programs, and reviewing current case law and best practices regarding sign regulations. The city council held a study session regarding temporary sign policies in June of 2014.

During this same time, staff noted that the prevailing case in the Ninth Circuit Court of Appeals regarding the regulation of signs, *Reed v. Town of Gilbert*, was on petition for review before the United States Supreme Court ("USSC" or "the Court"). Accordingly, staff recommended tabling any discussion or consideration of changes to the city's sign code until the *Reed* case was resolved by the USSC. The Court ultimately granted review of the case and issued their decision on June 18, 2015. As anticipated, the Court's decision in *Reed* has dramatically changed the landscape for drafting constitutionally defensible sign regulations. The legal, planning, and development communities all agree that the Court's decision in *Reed* affects every local government in the country that regulates signs and has made many, if not all, current sign codes, either in full or in part, unconstitutional.

Under the Court's majority decision in *Reed*, sign regulations that are content-based on their face—by category, subject matter, speaker, viewpoint, or the like—face strict scrutiny by the court. To survive strict scrutiny a regulation must be narrowly tailored to advance a *compelling* government interest. As the Court has frequently opined, regulations seldom survive a strict scrutiny analysis.

The Court's analysis does not end there. Even if facially neutral, a sign regulation must survive an intermediate scrutiny analysis—a narrowly tailored regulation to advance a *substantial*

government interest. The Court will look at the government's justification and intent for the regulation. If the underlying motive is ultimately content-based the regulation may be found unconstitutional (*e.g.* if a city prohibits a certain type of structural sign, and there is only one type of business, organization, or person that uses that type of structural sign, the city would bear the burden of demonstrating how the regulation is not intended to target only that category and/or speaker).

What is clear from *Reed* is that cities *must* develop sign regulations and a legislative record that robustly support the objectives of the regulations and how they specifically support and/or advance the objectives. The town in *Reed* had no stated objective for its sign regulations other than standard objectives of traffic safety and aesthetics, and had no legislative record to demonstrate how their sign regulations advanced those generalized objectives—as the Court stated, the reasoning for the sign regulations at issue didn't even pass a laugh test.

Accordingly, the standard objectives of traffic safety and aesthetics will no longer pass muster on their own. A city must develop specific purposes for *why* they are seeking to adopt certain regulations, and then also create a legislative record to demonstrate *how* those regulations actually address and advance the city's stated objectives. Sign regulations that do not support a compelling or substantial government interest and regulations that are over-broad, under-inclusive, or are not narrowly tailored to support and advance the objectives of the regulation may not pass judicial scrutiny. In short, local governments must draft a sign code that has the right "answer' (i.e. content neutral on its face), as well as create a legislative record that "shows their work" (i.e. demonstrates the regulations as content-neutral in intent and narrowly tailored).

2. OUTCOME OF FIRST STUDY SESSION

As noted above, given the Court's ruling in *Reed,* the foundation of a legally defensible sign code must include specific objectives and a substantial purpose. The purpose and objectives then guide the development of the sign standards and specifications and the administration and enforcement of the code.

At the council's study session on signs in October 2015, city staff led the council through a series of brainstorming exercises to identify core objectives to guide the drafting and administration of the city's new sign code. Council reached consensus on the following policy objectives as a foundation of the city's new sign code:

- Economic Well-Being
- Aesthetics
- Community and Family
- Environmental Protection
- Public Infrastructure

City staff has combined the above policy objectives with the city's vision and planning goals within its recently Updated Comprehensive Plan to develop a proposed outline for the purposes and objectives statement that will guide the drafting and administration of the city's new sign code. (Attachment 1)

3. CURRENT STUDY SESSION

City staff's objectives for this study session are to:

- Obtain general council consensus and approval for staff to use the proposed purposes and objectives outline (Attachment 1) as the foundation from which staff may develop the city's new sign code.

- Obtain council consensus on key policy recommendations to guide staff's drafting of specific sign standards and regulations that support the purposes and objectives of the new sign code. Staff will walk the council through the attached table of proposed policy decisions for the new sign regulations based on land use type. (Attachment 2); and

- Obtain council consensus regarding a public engagement process for the public to informally review and comment on a draft of the proposed new sign code regulations.

To help city staff to facilitate an efficient and productive study session, staff asks that council review the attachments referenced above in advance of this study session and be prepared to provide comments and direction to staff on each.

4. NEXT STEPS

4.1. Drafting New Proposed Sign Code. Upon obtaining council approval on the guiding purposes and objectives of the city's new sign code and council consensus regarding the major policy decisions on which to base the new sign standards and regulations (either at this study session, or after a subsequent study session at the April 12th meeting, if needed), staff will embark on drafting the proposed new sign code.

4.2. Review and Comment. Upon completion of drafting the proposed new sign code, city staff recommends completing a public engagement process to solicit comments on the proposed code from community stakeholders (e.g. citizens, developers, realtors, community organizations, etc.). Staff recommends for this public engagement process to occur prior to the planning commission's review of the proposed new sign code.

Upon completion of the public engagement process and synthesizing and incorporating the comments received, staff will present a final version of the proposed new sign code to the planning commission for their review. The planning commission will hold a public hearing and ultimately pass on their recommendation to the council for the council's final review and adoption.

Prior to bringing the proposed new sign code before the council for review and final adoption, city staff will submit the proposed new code to the state Department of Commerce for their required 60-day review and complete a SEPA non-project review.

4.3. Enforcement of City's Current Sign Code in the Interim. As previously asked by council members, until the city's new sign code is finally adopted by the council, city staff will continue to enforce all provisions of the city's current sign code deemed legally enforceable. If required, the community development director may also make interim policy decisions in the form of a director's decision that may guide the administration and enforcement of sign standards until the new permanent sign code is in effect.

ALTERNATIVES: NA

FISCAL IMPACT: NA

CITY COUNCIL ACTION: ____Ordinance ____ Resolution ____Motion __X__Other

PARTICIPATE IN INTERACTIVE DISCUSSION LED BY STAFF AND PROVIDE FURTHER DIRECTION ON DEVELOPING DRAFT REGULATIONS AND A PUBLIC ENGAGEMENT PROCESS

REVIEWED BY: Community Development Director, City Attorney, and City Manager

~~ATTACHMENT 1~~

PROPOSED OUTLINE OF PURPOSES AND POLICY OBJECTIVES FOR NEW COVINGTON SIGN CODE

Proposed General Purpose: The overall goal, objective, and purpose of the Covington sign code is to balance both public and private business needs with the specific objectives of creating a community with an unmatched quality of life, achieved through an emphasis on supporting the city's economic well-being, community and families, environment, and public infrastructure.

Proposed General Objectives: Sign standards and regulations that promote public safety and aesthetics support the above general purpose and enhance the quality of life of those that live and work in Covington in the following ways:

1. **Safety**
   a. Reduce potential hazards to motorists and pedestrians / protect pedestrian and motor vehicle safety.
   b. Prevent confusion of signs with traffic regulations and improve vehicular and pedestrian safety by reducing signage or advertising distractions and obstructions that contribute to limited safety and site visibility.
   c. Promote the public health, safety and general welfare of the citizens of Covington by regulating the placement, removal, installation, maintenance, size, number, time periods, and location of signs.

2. **Aesthetics/Economic Well-Being**
   a. Uphold the aesthetic character of the city.
   b. Recognize that the aesthetic value of the total environment affects the economic well-being and economic values of the community, and that unrestricted proliferation of all types of signs will detract from the economic value of the community.
   c. Encourage signs which, by their good design, are integrated with and harmonious to the buildings and sites which they occupy.
   d. Preserve and improve the appearance of the City as a pedestrian-friendly community in which to live, work, shop, learn, and play.
   e. Recognize the visual communication needs of all sectors of the community for identification and advertising purposes in a safe, clear, and distinctive manner.
   f. Support and enhance the economic well-being of all business within the city through sufficient means to identify their premises, products, and services.
   g. Promote a positive visual image of the City and protect property values by encouraging signs that are appropriate and consistent with surrounding buildings and landscape in both scale and design.
   h. Ensure signs are appropriate to the size of the subject property and the amount of street frontage adjacent to the subject property, and appropriate in relationship to the size of the building.
   i. Discourage excessive numbers of signs.
   j. Protect public and private investment in buildings and open space.

PROPOSED TEMPORARY SIGN REGULATIONS
RESIDENTIAL USES

	SINGLE-FAMILY USE (Non-Commercial Signs Only)	MULTI-FAMILY USE		
		RESIDENTIAL USE ONLY (Non-Commercial Signs Only)	MIXED-USE (Residential and Commercial Uses)	
1. QUANTITY (The total number of temporary signs allowed on a single parcel)	No restriction on total number of temporary signs per parcel, ***except*** for the following limitations: • Shall **not** cover more than 25% of each façade per building (excluding windows). • Shall not cover more than 50% of each window. • **Max of two (2)** temporary signs allowed in the ROW abutting or adjacent to a parcel (i.e. parking strip) pursuant to the following: o **Sign A:** Max of one (1) per parcel o **Sign B:** Max of one (1) per parcel	No restriction on total number of temporary signs per parcel, ***except*** for the following limitations: • Shall **not** cover more than 25% percentage of each façade per building (excluding windows). • Shall not cover more than 50% of each window, except only 20% window coverage allowed in the TC zone (same as current code).	**For Residential Uses on Parcel:** No restriction on total number of temporary signs, ***except*** for the following limitations: • Shall **not** cover more than 25% of each façade per building (excluding windows), except only 20% coverage allowed in the TC Zone. . • Shall not cover more than 50% of each window, except only 20% window coverage allowed in the TC zone (same as current code).	**For Commercial Uses on Parcel:** • No limitation on window signs except that window signs shall not cover more than 50% of each window, except only 20% window coverage allowed in the TC zone (same as current code). • **Max of two (2)** additional temporary signs per business/commercial tenant pursuant to the following: o **Sign X:** Max of one (1) per business on parcel o **Sign Y:** Max of one (1) per business on parcel
2. SIGN TYPES (The type of physical construction / form of temporary sign, e.g. an A-frame sign, or a stake sign, etc.)	• **Sign A**: Yard arm sign only • **Sign B:** A-frame or stake sign only For all other temp signs, no restriction on types of signs allowed *except* for the following: • No banana flags/feather flags • No electronic message signs	• **Sign A**: Yard arm sign only • **Sign B:** A-frame or stake sign only For all other temp signs, no restriction on types of signs allowed *except* for the following: • No banana flags/feather flags • No electronic message signs	No restriction on the types of temporary signs allowed *except* for the following: • No banana flags/feather flags • No electronic message signs • No balloons • No inflatable signs	• **Sign Y:** Portable A-frame/sandwich board sign only • **Sign Z:** Banner sign only

3. SIZE (Total square footage of sign face allowed for each sign)	• **Sign A:** Max of 4 sq ft per single sign face • **Sign B:** Max of 3 sq ft per single sign face For all other temporary signs: • Max of 12 sq ft for a single sign face (STAFF NOTE: This may not cover holiday inflatables, etc. Maybe not limit sign face for ground mounted and limit sign face attached to a building? The 6ft height max will limit sign face for ground mounted.) • Max height of 6ft If affixed to the ground (this mirrors the allowable fence height)	• **Sign A:** Max of 4 sq ft per single sign face • **Sign B:** Max of 3 sq ft per single sign face For all other temporary signs: • Max of 32 sq ft for a single sign face (STAFF NOTE: Size expanded for "For Lease" banners. This may not cover holiday inflatables, etc. Maybe not limit sign face for ground mounted and limit sign face attached to a building? The 6ft height max will limit sign face for ground mounted.) • Max height of 6ft If affixed to the ground (this mirrors the allowable fence height).	• Max of 32 sq ft per single sign face (STAFF NOTE: Size expanded for "For Lease" banners. This may not cover holiday inflatables, etc. Maybe not limit sign face for ground mounted and limit sign face attached to a building?) • Max height of 3ft If affixed to the ground.	• **Sign Y:** Max of 4 sq ft per single sign face • **Sign Z:** Max of 32 sq ft per single sign face

4. LOCATION
(Where temporary signs are allowed to be placed, or not, on a private property)
	Locations Not Allowed:
	• On fences
	• Projected above the roofline or on roof
	• Within required interior setbacks
	• Within sight triangle (or obstructing sight triangle)
		Locations Not Allowed:
		• On fences
		• Projected above the roofline or on roof
		• Within required interior setbacks
		• Within sight triangle (or obstructing sight triangle)
			Restrictions on Sign Locations for Residential Uses:
			• Must be placed on premises
			  o Not allowed on fences
			  o Projected above the roofline or on roof
			  o Must not locate within required interior setbacks
			  o Must not obstruct sight triangle
				Restrictions on Sign Locations for Commercial Uses:
				• **Sign X:** Must be placed on premises
				  o Must not locate within required interior setbacks
				  o Must not obstruct sight triangle
				  o Must not obstruct pedestrians
				• **Sign Y:** Only allowed on building façade
				  o Must not project above roofline

5. MATERIALS/ FEATURES (The materials a sign is made of—e.g. wood, cardboard, metal, vinyl--and features of an individual sign—e.g. sound, neon light, etc.)	• **Sign A:** Must be wood or similar durable material • **Sign B:** Must be wood, corroplast, or similar durable material **Additional restrictions for all signs:** • No beacons, spotlights, or searchlights • No neon lights • Any illumination may not move or flash between 11pm and 7am • Illumination may not exceed a certain detected/empirical amount at property line pursuant to industry standard measurement of light emission	• **Sign A:** Must be wood or similar durable material • **Sign B:** Must be wood, corroplast, or similar durable material **Additional restrictions for all signs:** • No beacons, spotlights, or searchlights • No neon lights • Any illumination may not move or flash between 11pm and 7am • Illumination may not exceed a certain detected/empirical amount at property line pursuant to industry standard measurement of light emission	No restrictions on materials and features allowed, *except* for the following: • No beacons, spotlights, or searchlights • No neon lights • No moving or flashing illumination • Illumination may not exceed a certain detected/empirical amount at property line pursuant to industry standard measurement of light emission • No movement (either mechanical or by wind) • No sound	• **Sign X:** Must be wood or similar durable material • **Sign Y:** Must be vinyl or similar durable material **Additional restrictions for both Signs X and Y:** • No beacons, spotlights, or searchlights • No neon lights • No moving or flashing illumination • Illumination may not exceed a certain detected/empirical amount at property line pursuant to industry standard measurement of light emission • No movement (either mechanical or by wind) • No sound
6. DURATION OF DISPLAY (The length of time each allowed sign may be displayed)	No restrictions other than those indicated above	No restrictions other than those indicated above	No restrictions other than those indicated	• **Window Signs:** No restrictions • **Sign X:** 365 days per year, but only from sunrise to sunset • **Sign Y:** No more than 120 days in a calendar year
7. ADDITIONAL REGULATIONS (Additional regulations to include in the code that apply to all temporary signs in the given property use category)	• Only non-commercial messages • No permit required • Must have property owner approval • Must be maintained • Subject to nuisance and sound regulations • Temporary signs not viewable from public ROW not subject to sign code	• Only non-commercial messages • No permit required • Must have property owner approval • Must be maintained • Subject to nuisance and sound regulations • Temporary signs not viewable from public ROW not subject to sign code	• Only non-commercial messages • No permit required • Must have property owner approval • Must be maintained • Subject to nuisance and sound regulations • Temporary signs not viewable from public ROW not subject to sign code	• May be commercial or non-commercial messages • Permit required for Signs Y and Z • No permit required for window signs • Must have property owner approval • Must be maintained • Subject to nuisance and sound regulations • Temporary signs not viewable from public ROW not subject to sign code

PROPOSED TEMPORARY SIGN REGULATIONS
NON-RESIDENTIAL USES

	COMMERCIAL USES (Includes Retail, Office, Health Services & Industrial)	NON-COMMERCIAL USES (Includes Schools, Religious, & Govn't Facilities, excluding Public Parks)
1. QUANTITY (The total number of temporary signs allowed on a single parcel)	• **Window Signs:** Shall not cover more than 50% of each window, except only 20% window coverage allowed in the TC zone (same as current code). • Max of two **(2)** additional temporary signs allowed, pursuant to the following: o **Sign X:** Max of one (1) per business/commercial tenant on parcel o **Sign Y:** Max of one (1) per business/commercial tenant per building façade on parcel	• **Window Signs:** Shall not cover more than 50% of each window, except only 20% window coverage allowed in the TC zone (same as current code). • Additional temporary signs allowed pursuant to the following: o **Sign X:** Max of one (1) per parcel o **Sign Y:** One (1) per 500 feet of street frontage, not to exceed four (4) per parcel o **Sign Z:** One (1) per 400 feet of street frontage, not to exceed ten (10) total per parcel
2. SIGN TYPES (The type of physical construction / form of temporary sign, e.g. an A-frame sign, or a stake sign, etc.)	• **Sign X:** Portable A-frame/sandwich board sign only • **Sign Y:** Banner sign only	• **Sign X:** Portable A-frame/sandwich board sign only • **Sign Y:** Banner sign only • **Sign Z:** Staked sign only
3. SIZE (Total square footage of sign face allowed for each sign)	• **Sign X:** Max of 4 sq ft per single sign face • **Sign Y:** Max of 32 sq ft per single sign face	• **Sign X:** Max of 4 sq ft per single sign face • **Sign Y:** Max of 32 sq ft per single sign face • **Sign Z:** Max of 3 sq ft per single sign face
4. LOCATION (Where temporary signs are allowed to be placed, or not, on a property)	• **Sign X:** Must be placed on premises o Must not locate within required interior setbacks o Must not obstruct sight triangle o Must not obstruct pedestrians • **Sign Y:** Only allowed on building façade o Must not project above roofline	• **Sign X:** Must be placed on premises o Must not locate within required interior setbacks o Must not obstruct sight triangle o Must not obstruct pedestrians • **Sign Y:** Only allowed on building façade or fence only o Must not project above roofline • **Sign Z:** Must be placed on premises o Must not obstruct sight triangle o Must not obstruct pedestrians

5. MATERIALS/ FEATURES (Materials a sign is made of, e.g. wood, cardboard, metal, vinyl--and features on a sign, e.g. sound, neon light, etc.)	• **Sign X:** Must be wood or similar durable material • **Sign Y:** Must be vinyl or similar durable material Additional restrictions for both Signs X and Y: • No beacons, spotlights, or searchlights • No neon lights • No moving or flashing illumination • Illumination may not exceed a certain detected/empirical amount at property line pursuant to industry standard measurement of light emission • No movement (either mechanical or by wind) • No sound	• **Sign X:** Must be wood or similar durable material • **Sign Y:** Must be vinyl or similar durable material • **Sign Z:** Must be cardboard, corroplast, or other similar material Additional restrictions for Signs X, Y, and Z: • No beacons, spotlights, or searchlights • No neon lights • No moving or flashing illumination • Illumination may not exceed a certain detected/empirical amount at property line pursuant to industry standard measurement of light emission • No movement (either mechanical or by wind) • No sound
6. DURATION OF DISPLAY (Length of time each sign may be displayed)	• **Sign X:** 365 days per year, but only from sunrise to sunset • **Sign Y:** No more than 120 days in a calendar year per sign • **Window Signs:** No restriction	• **Sign X:** 365 days per year, but only from sunrise to sunset • **Sign Y:** No restriction • **Sign Z:** No restriction • **Window Signs:** No restrictions
7. ADDITIONAL CONDITIONS (Additional regulations to be included in the code that apply to all temporary signs for that use)	• **Permit required** for Signs X and Y • **No permit required** for window signs • Must have property owner approval • Must be maintained • Subject to nuisance and sound regulations • *Any* commercial temporary sign may be substituted with a non-commercial message • Temporary signs not viewable from public ROW not subject to sign code	• **No permit required** for any signs • Non-commercial messages only • Must have property owner approval • Must be maintained • Subject to nuisance and sound regulations • *Any* commercial temporary sign may be substituted with a non-commercial message • Temporary signs not viewable from public ROW not subject to sign code

PROPOSED REGULATIONS FOR TEMPORARY SIGNS ROW, Public Parks, and Government Speech		
Rights-of-Way	**Public Parks**	**Government Speech**
Temporary signs not allowed in the ROW ***except*** for as follows: • As allowed in above regulations • As provided for / allowed pursuant to a Special Events permit* • Banner across 272nd pursuant to issuance of ROW permit and associated conditions**	Temporary signs not allowed on public park property ***except*** for as follows: • As provided for / allowed pursuant to a Special Events permit*	Signs qualifying as government speech are exempt from these sign code regulations (e.g. speed limit signs, street signs, official government signs, etc.)
* The number and type of temporary signs allowed for as part of an approved special events permit has not yet been determined.		
** The banner over 272nd is technically not a temporary sign, but rather a permanent sign with a temporary message. The process and associated conditions for applying for a ROW permit to hang a banner over 272nd have not yet been determined.		